

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL LEONARD BRUNO, ET AL.,

Plaintiffs,

v.

C. RICHARD POTTS, et al.,

Defendants.

Case No. [4:17-cv-07225-KAW](#)

**SECOND ORDER TO SHOW CAUSE;
ORDER DISMISSING JOANN BRUNO
AS A PLAINTIFF**

Re: Dkt. No. 12 & 13

This action was filed on December 20, 2017. (Dkt. No. 1.) Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiffs Paul Bruno and JoAnn Bruno had 90 days to complete service of the complaint and summons on Defendants, such that March 20, 2018 was the last day to complete service or to file a Motion for Administrative Relief from the deadline pursuant to Civil L.R. 7-11. The Case Management Conference (CMC), scheduled for March 20, 2018, was continued to May 29, 2018, because Defendants had not been served 7 days prior to the original CMC date. (Dkt. No. 7.) On March 30, 2018, the undersigned issued an order to show cause to Plaintiffs to explain why this matter should not be dismissed without prejudice for failure to comply with the deadline to complete service on Defendants or to file a Motion for Administrative Relief. (Dkt. No. 9.)

On April 9, 2018, Plaintiff Paul Bruno filed a response to the order to show cause, in which he explained that he believed that all case deadlines were continued, and requested that he have until May 29, 2018 to serve Defendants. (*See* Dkt. No. 10 at 2.) Given that Plaintiffs are pro se, on April 27, 2018, the Courts discharged the order to show cause and granted the request to extend the service deadline to May 29, 2018. (Dkt. No. 12 at 1.) Mr. Bruno was advised that the failure to serve all Defendants by that date and to file certificates of service may result in the case

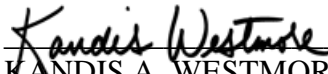
1 being dismissed without prejudice for failure to prosecute. *Id.*

2 Mr. Bruno was further advised that the Court had some concerns regarding this case. First,
3 Mr. Bruno was informed that he cannot represent co-plaintiff JoAnn Bruno, because he is not an
4 attorney admitted to practice in this district. *Id.* at 2. On May 17, 2018, Ms. Bruno sent a letter to
5 the Court that she was named as a plaintiff in this case without her approval. (Dkt. No. 13.) As a
6 result, the undersigned DISMISSES JoAnn Bruno as a party without prejudice. Should Ms. Bruno
7 decide that she wants to participate as a party in this case, Mr. Bruno may seek leave to amend to
8 add her as a plaintiff, which must also be signed by Ms. Bruno, because Mr. Bruno is not admitted
9 to practice law in this district. Second, Mr. Bruno was advised that his case may be barred by the
10 *Rooker-Feldman* doctrine, which divests the federal court of jurisdiction. (Dkt. No. 12 at 2.) For
11 these reasons, Plaintiff was directed to schedule a telephone appointment with the Federal Pro
12 Bono Project's Help Desk—a free service for pro se litigants—by calling (415) 782-8982, where a
13 licensed attorney could assist him in identifying what claims, if any, he can bring in federal court.

14 To date, Mr. Bruno has not filed certificates of service to show that he served all
15 defendants by the May 29, 2018 deadline. Accordingly, by no later than **July 11, 2018**, Plaintiff
16 Paul Bruno shall show cause why this matter should not be dismissed without prejudice for failure
17 to comply with the service deadline or to file a Motion for Administrative Relief. Additionally,
18 Plaintiff shall file the certificates of service for all defendants by July 11, 2018. The failure to
19 timely file both the certificates of service and a response to the second order to show cause will
20 result in this case being reassigned to a district judge with the recommendation that it be dismissed
21 for failure to prosecute.

22 IT IS SO ORDERED.

23 Dated: June 20, 2018

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KANDIS A. WESTMORE
25 United States Magistrate Judge
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